Kit No.	Model affected
SB220–11	695A.
SB220–12	695B.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public.

After careful review of all available information related to the subject presented above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. The FAA has determined that these minor corrections will not change the meaning of the AD and will not add any additional burden upon the public than was already proposed.

The FAA estimates that 566 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 1 workhour per airplane to accomplish the required action, and that the average labor rate is approximately $60 an hour. Parts cost approximately $38 per airplane. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be $55,468. This figure is based on the assumption that no affected airplane owner/operator has incorporated the placard and AFM/POH revisions included with the applicable SB220 kit. Twin Commander has informed the FAA that no kits have been distributed to the owners/operators of the affected airplanes.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 USC 106(g), 40101, 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive (AD) to read as follows:

95–19–18 Twin Commander Aircraft Corporation: Amendment 39–9379; Docket No. 95–CE–20–AD.

Applicability: The following airplane models and serial numbers, certificated in any category.

Models	Serial No.
680T and 680V	1473 through 1720.
680W	1721 through 1850.
681	6001 through 6072.
690	11001 through 11079.
690A	11100 through 11344.
690B	11350 through 11566.
690C	11600 through 11735.
690D	15001 through 15042.
695	95000 through 95084.
695A	96000 through 96100.
695B	96201 through 96208.

Note 1: This AD applies to each airplane identified in the preceding applicability revision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required within the next 50 hours time-in-service after the effective date of this AD, unless already accomplished.

To prevent structural damage to the airplane caused by excessive turbulence, which could result in loss of the airplane, accomplish the following:

(a) Install the placard (to the windshield centerpost) and incorporate the airplane flight manual/pilot operating handbook (AFM/POH) revisions that are included with the kits presented below. The placard and AFM/POH revisions provide warnings to the airplane operator of the importance of observing the Turbulent Air Penetration and Maneuvering speeds:

Kit No.	Model affected
SB220–1	680T.
SB220–2	680V.
SB220–3	680W.
SB220–4	681.
SB220–5	690.
SB220–6	690A.
SB220–7	690B.
SB220–8	690C.
SB220–9	690D.
SB220–10	695.
SB220–11	695A.
SB220–12	695B.

Note 2: Twin Commander Service Bulletin No. 220, dated February 1, 1995, relates to the subject of this AD, and references the SB220 service kits specified above.

(b) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(c) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Northwest Mountain Region, 1601 Lind Avenue S.W., Renton, Washington 98055–4056. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(d) All persons affected by this directive may obtain copies of the kits referenced above that include the placard and the AFM revisions upon request to the Twin Commander Aircraft Corporation, 19010 59th Drive, NE., Arlington, Washington 98223; or may examine this document at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

(e) This amendment (39–9379) becomes effective on October 25, 1995.

Issued in Kansas City, Missouri, on September 13, 1995.

Gerald W. Pierce,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–23355 Filed 9–20–95; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 71

[Airspace Docket No. 95–AWA–3]

Establishment of Class C Airspace and Revocation of Class D Airspace, Cyril E. King Airport, VI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes a Class C airspace area and revokes the Class D airspace area at the Cyril E. King Airport, Charlotte Amalie St. Thomas, VI. Cyril E. King Airport is a public-use facility with a Level II control tower served by Limited Radar Approach Control. The establishment of this Class C airspace area requires pilots to maintain two-way radio communications with the air traffic control (ATC) while in Class C airspace. Implementation of the Class C airspace, at this location, promotes the efficient control of air traffic and reduces the risk of midair collision in the terminal area.

EFFECTIVE DATE: 0901 UTC, November 9, 1995.

FOR FURTHER INFORMATION CONTACT: Patricia P. Crawford, Airspace and Obstruction Evaluation Branch (ATP–240), Airspace-Rules and Aeronautical Information Division, Air Traffic Rules and Procedures Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–9255.

SUPPLEMENTARY INFORMATION:

History

On April 22, 1982, the National Airspace Review (NAR) plan was published in the Federal Register (47 FR 17448). The plan encompassed a review of airspace use and procedural aspects of the ATC system. Among the main objectives of the NAR was the improvement of the ATC system by increasing efficiency and reducing complexity. In its review of terminal airspace, NAR Task Group 1–2 concluded that Terminal Radar Service Areas (TRSA's) should be replaced. Four types of airspace configurations were considered as replacement candidates, of which Model B, since redesignated Airport Radar Service Area (ARSA), was recommended by a consensus of the task group.

The FAA published NAR Recommendation 1–2.2.1, ''Replace Terminal Radar Service Areas with Model B Airspace and Service'' in Notice 83–9 (July 28, 1983; 48 FR 34286) proposing the establishment of ARSA's at the Robert Mueller Municipal Airport, Austin, TX, and the Port of Columbus International Airport, Columbus, OH. ARSA's were designated at these airports on a temporary basis by SFAR No. 45 (October 28, 1983; 48 FR 50038) to provide an operational confirmation of the ARSA concept for potential application on a national basis.

Following a confirmation period of more than a year, the FAA adopted the NAR recommendation and, on February 27, 1985, issued a final rule (50 FR 9252; March 6, 1985) defining ARSA airspace and establishing air traffic rules for operation within such an area.

Concurrently, by separate rulemaking action, ARSA's were permanently established at the Austin, TX, Columbus, OH, and the Baltimore/Washington International Airports (50 FR 9250; March 6, 1985). The FAA stated that future notices would propose ARSA's for other airports at which TRSA procedures were in effect.

Additionally, the NAR Task Group recommended that the FAA develop quantitative criteria for proposing to establish ARSA's at locations other than those which were included in the TRSA replacement program. The task group recommended that these criteria include, among other things, traffic mix, flow and density, airport configuration, geographical features, collision risk assessment, and ATC capabilities to provide service to users. These criteria have been developed and are being published via the FAA directives system.

The FAA has established ARSA's at 121 locations under a paced implementation plan to replace TRSA's with ARSA's. This is one of a series of notices to implement ARSA's at locations with TRSA's or locations without TRSA's that warrant implementation of an ARSA. Airspace Reclassification, effective September 16, 1993, reclassified ARSA's as Class C airspace areas. This change in terminology is reflected in the remainder of this rule.

This amendment establishes a Class C airspace area at a location which was not identified as a candidate for Class C in the preamble to Amendment No. 71–10 (50 FR 9252). Other candidate locations will be proposed in future notices published in the Federal Register.

The Cyril E. King Airport is a public-use airport with an operating Level II control tower served by Limited Radar Approach Control. Passenger enplanements reported at Cyril E. King Airport were 640,642, 583,817, and 602,373, respectively, for calendar years 1993, 1992, and 1991. This volume of passenger enplanements and aircraft operations meets the FAA criteria for establishing Class C airspace to enhance safety.

On June 27, 1995, the FAA proposed to designate a Class C airspace area at the Cyril E. King Airport, Charlotte Amalie St. Thomas, VI (60 FR 33152). Interested parties were invited to participate in this rulemaking proceeding by submitting comments on the proposal to the FAA. No comments were received.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) establishes a Class C airspace area and revokes the Class D airspace area at the Cyril E. King Airport, Charlotte Amalie St. Thomas, VI. Cyril E. King Airport is a public airport with a Level II operating control tower served by Limited Radar Approach Control. In addition, this action removes the existing Class D airspace area at Cyril E. King Airport, Charlotte Amalie St. Thomas, VI. The establishment of this Class C airspace area will require pilots to establish two-way radio communications with the ATC facility providing air traffic services prior to entering the airspace and thereafter maintain those communications while within the Class C airspace area. Implementation of the Class C airspace area will promote the efficient control of air traffic and reduce the risk of midair collision in the terminal area. The Class D airspace area is being revoked because Class C airspace is more restrictive (i.e., carries higher operational requirements) than Class D airspace. Therefore, the FAA is revoking the Cyril E. King Airport, Charlotte Amalie St. Thomas, VI, Class D airspace area.

This action supports a goal of airspace reclassification to simplify the airspace by eliminating overlapping airspace designations. The coordinates in this document are based on North American Datum 83. Except for editorial changes and minor changes to the coordinates from ''lat. 18°20′19″N., long. 64°58′11″W.'' to ''lat. 18°20′14″N., long. 64°58′24″W,'' this amendment is the same as that proposed in the notice. Class C and Class D airspace designations are published in paragraphs 4000 and 5000, respectively, of FAA Order 7400.9C dated August 17, 1995, and effective September 16, 1995, which is incorporated by reference in 14 CFR 71.1. The Class C airspace area listed in this document will be published subsequently in the Order and the Class D airspace area listed in this document will be removed subsequently from the Order.

Regulatory Evaluation Summary

Changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 directs that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 requires agencies to analyze the economic effect of regulatory changes on small entities. Third, the Office of Management and Budget directs agencies to assess the effect of regulatory changes on international trade. In conducting these analyses, the FAA has determined that this final rule (1) Will generate benefits that justify its costs and is not ''a significant regulatory action'' as defined in the Executive Order; (2) is not significant as defined in Department of Transportation's Regulatory Policies and Procedures; (3) will not have a significant impact on a substantial number of small entities; and (4) will not constitute a barrier to international trade. These analyses, available in the docket, are summarized below.

Costs

The establishment of the St. Thomas Class C airspace area will impose a one-time FAA administrative cost of $600. For the aviation community (namely, aircraft operators and fixed based operators), this final rule will impose little, if any, operating or equipment cost. The potential costs are presented below.

The FAA does not expect to incur any additional costs for ATC staffing, training, or facility equipment. The FAA is confident that it can handle any additional traffic that will participate in radar services through more efficient use of personnel at the current staffing level.

The FAA holds an informal public meeting at each proposed Class C airspace area location. These meetings provide pilots with the best opportunity to learn both how a Class C airspace area works and how it will affect their local operations. The expenses associated with these public meetings are incurred regardless of whether a Class C airspace area is ultimately established. Thus, they are more appropriately considered routine FAA costs. When this Class C airspace area becomes effective, any subsequent public information costs will be strictly attributed to the final rule. For instance, the FAA will distribute a Letter To Airmen to all pilots residing within 50 miles of the Class C airspace area site that will explain the operation and airspace configuration of the Class C airspace area. The Letter to Airmen cost will be approximately $600. This one-time negligible cost will be incurred upon the initial establishment of this Class C airspace area.

The FAA anticipates that some pilots who currently transit the terminal area without establishing radio communications may choose to navigate around the airspace. However, the FAA contends that these operators can navigate around, over, or under the airspace without significantly deviating from their regular flight paths.

The FAA recognizes that delays might develop at St. Thomas following the initial establishment of the Class C airspace area. The additional traffic that ATC will be handling due to the mandatory pilot participation requirement may result in minor delays to aircraft operations. However, those delays that do occur are typically transitional in nature. The FAA contends that any potential delays will eventually be more than offset by the increased flexibility afforded controllers in handling traffic as a result of Class C separation standards. This has been the experience at other Class C airspace areas.

The FAA assumes that aircraft operating in the vicinity of St. Thomas already have two-way radio communications capability and, therefore, will not incur any additional costs.

Once this Class C airspace area goes into place, aircraft operators will be subject to the Mode C Rule. That rule requires all aircraft to be equipped with an operable transponder with Mode C capability when operating in and above a Class C airspace area (up to 10,000 feet MSL). Some aircraft operators may have to acquire (or upgrade to) a Mode C transponder as a result of the establishment of the Class C airspace area. However, the cost of acquiring a Mode C transponder for all aircraft in the U.S. was previously accounted for as a cost of the Mode C Rule.

The FAA has also adopted regulations requiring certain aircraft operators to install Traffic Collision Avoidance System (TCAS), which allows pilots to determine the position of other aircraft from the signal emitted by Mode C transponders. TCAS issues conflict resolution advisories as to what evasive actions are most appropriate for avoiding potential midair collisions. The TCAS Rule will not contribute to the potential costs associated with establishing the Class C airspace area, but it will contribute to the potential safety benefits. The benefits of establishing the St. Thomas Class C airspace area are discussed below.

Benefits

The primary benefit of establishing the St. Thomas Class C airspace area will be enhanced aviation safety for the increasing number of passengers transiting through airspace. The volume of passenger enplanements at St. Thomas has risen dramatically. Enplanements in 1995 are projected to be 648,000, up from 491,000 in 1990; by 2000, enplanements are projected to be 810,000. This high volume of passenger enplanements has made St. Thomas eligible to become a Class C airspace area.

To study the effect that Class C airspace areas have on reducing the risk of midair collisions, the FAA looked at the occurrences of near-midair collisions (NMAC). In a study of NMAC data, the FAA's Office of Aviation Safety found that approximately 15 percent of reported NMACs occur in airspace similar to that at St. Thomas. This study found that about half of all NMACs occur in the 1,000 to 5,000 feet altitude range, which is closely comparable to the altitudes where aircraft operate around airports that qualify for Class C airspace areas. This study also found that over 85 percent of NMACs occur in visual flight rules (VFR) conditions when visibility is five miles or greater. Finally, the study found that the largest number of NMAC reports are associated with instrument flight rules (IFR) operators under radar control conflicting with VFR traffic during VFR flight conditions below 12,500 feet. The mandatory participation requirements of the Class C airspace area and the radar services provided by ATC to VFR as well as IFR pilots will help alleviate such conflicts.

A NAR Task Group study conducted by Engineering & Economics Research, Inc. reviewed NMAC data for Austin and Columbus during the 1978 to 1984 period. This study found that the presence of Class C airspace reduced the probability of NMAC occurrence by 38 percent at Austin and 33 percent at Columbus. Another FAA study estimated that the potential for NMACs could be reduced by about 44 percent. Since near midair and actual midair collisions result from similar causal factors, a reduction in the risk of NMACs suggests a reduction in the risk of actual midair collisions.

Ordinarily, the benefit of a reduction in the risk of midair collisions from establishing a Class C airspace area will be attributed entirely to establishing the Class C airspace area. However, an indeterminate amount of the benefits

have to be credited to the interaction of the Class C airspace area program with the Mode C Rule, which in turn interacts with the TCAS Rule. The benefits of establishing a Class C airspace area, as well as other designated airspace actions that require Mode C transponders, cannot be separated from the benefits of the Mode C and TCAS Rules. These airspace actions will share potential benefits totaling $4.4 billion.

Comparison of Costs and Benefits

The rule to establish a Class C airspace area at St. Thomas, VI, will impose a negligible cost of $600 on the agency. When this cost estimate of $600 is added to the total cost of establishing the other Mode-C-dependent airspace classes and the Mode C Rule and TCAS Rule, the costs will still be less than their total potential safety benefits. The rule will also generate some benefits in the form of enhanced operational efficiency while imposing little, if any, additional operating costs on pilots who choose to remain clear of the airspace. Thus, the FAA believes that the rule will be cost-beneficial.

International Trade Impact Assessment

The rule will only affect U.S. terminal airspace operating procedures at and in the vicinity of St. Thomas, VI. The rule will not impose a competitive trade disadvantage on foreign firms in the sale of either foreign aviation products or services in the United States. In addition, domestic firms will not incur a competitive trade disadvantage in either the sale of United States aviation products or services in foreign countries. Since all operators will be affected, the final rule will not give a competitive trade advantage or disadvantage to U.S. or foreign air carriers, fixed-base operators, or airports in the vicinity of St. Thomas.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress to ensure that small entities are not unnecessarily and disproportionately burdened by government regulations. Small entities are independently owned and operated small businesses and small not-for-profit organizations. The RFA requires agencies to review rules that may have ''a significant economic impact on a substantial number of small entities.''

Under FAA Order 2100.14A entitled Regulatory Flexibility Criteria and Guidance, a significant economic impact means annualized net compliance cost to an entity, which when adjusted for inflation, is greater than or equal to the threshold cost level for that entity. A substantial number of small entities means a number that is eleven or more and is more than one-third the number of the small entities subject to a proposed or existing rule.

For the purpose of this evaluation, the small entities that will be potentially affected by the final rule are fixed-base operators, flight schools, banner towing, seaplane shuttle bases, and other small aviation businesses located at and around St. Thomas. By using cutouts, special procedures, and Letters of Agreement between ATC and the affected parties, the FAA will make any practicable effort to eliminate the adverse affects on the operations of small entities in the vicinity of St. Thomas. The FAA has utilized such arrangements extensively in implementing other Class C airspace areas in the past. In addition, any delay problems that may initially develop following implementation will be transitory. This has been the experience at other Class C airspace areas. Thus, the final rule will not result in a significant economic impact on a substantial number of small entities.

Federalism Implications

The regulations adopted herein will not have direct effects on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this rule will not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Conclusion

For the reasons discussed above, the FAA has determined that this rule (1) is not a ''significant regulatory action'' under Executive Order 12866; and (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). It is also certified that this rule does not require preparation of a Regulatory Flexibility Analysis under the RFA.

List of Subjects 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9C, Airspace Designations and Reporting Points, dated August 17, 1995, and effective September 16, 1995, is amended as follows:

Paragraph 4000—Subpart C-Class C Airspace

* * * * *

ASO VI C Charlotte Amalie St. Thomas, VI [New]

Cyril E. King Airport
(lat. 18°20′14″N., long. 64°58′24″W.)

That airspace extending upward from the surface to and including 4,000 feet MSL within a 5-mile radius of the Cyril E. King Airport; and that airspace extending upward from 1,900 feet to and including 4,000 feet MSL within a 10-mile radius of the airport from the 075° bearing from the airport clockwise to the 020° bearing from the airport. This Class C airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Paragraph 5000—Subpart D-Class D Airspace

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ASO VI D Charlotte Amalie Cyril E. King Airport, St. Thomas, VI [Removed]

* * * * *

Issued in Washington, DC, on September 6, 1995.

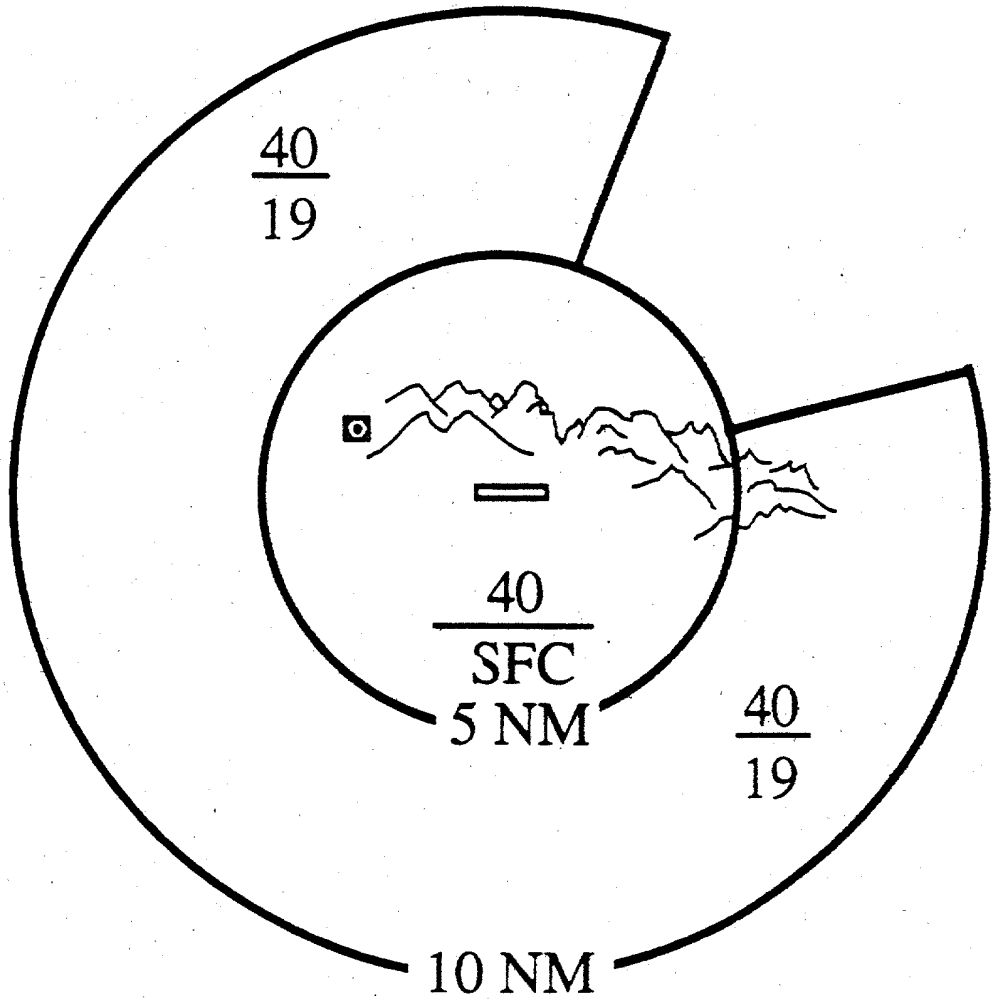
Harold W. Becker,

Manager, Airspace—Rules and Aeronautical Information Division.

BILLING CODE: 4910–13–P

ST. THOMAS
CLASS C AIRSPACE AREA

(Not to be used for navigation)



Prepared by the
FEDERAL AVIATION ADMINISTRATION
Publications Branch
ATP-210

[FR Doc. 95–23459 Filed 9–20–95; 8:45 am]
BILLING CODE 4910–13–C